

Exhibit 5

AARON ETRA

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AARON ETRA, ESQ.

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

-----x
BENTHOS MASTER FUND, LTD.,

Plaintiff,

v.

HUGH AUSTIN
a/k/a EUGENE W. AUSTIN,
JOHN AUSTIN, BRANDON AUSTIN,
VALKYRIE GROUP LLC
and VALHALLA VENTURE GROUP LLC,

Defendants.

-----x
Index No. 151823/2019
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April 12, 2019
9:36 a.m.

Deposition of AARON ETRA, ESQ., taken
by Plaintiff, pursuant to Subpoena Duces Tecum
and Ad Testificandum, dated February, 20, 2019,
at the offices of Kleinberg, Kaplan, Wolff &
Cohen, P.C., 551 Fifth Avenue, 18th Floor, New
York, New York, before Brandon Rainoff, a
Federal Certified Realtime Reporter and Notary
Public of the State of New York.

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2 A. I bank in several banks.

3 Q. Do you have a European bank account?

4 A. Yes.

5 Q. At what bank is that account?

7 Q. What bank is it?

8 A. That bank has nothing to do with this
9 transaction.

(Pause)

11 0. Let's go to Exhibit 6 at 399.

12 (Pause)

13 A. Okay.

14 Q. This is an e-mail thread. Begins with
15 an e-mail from you to Tracy Evans. The subject
16 line: Euros Paymaster Account.

17 Do you see that, sir?

18 A. Yes, I do.

19 Q. What is Euros Paymaster Account?

20 A. It is an account in Euros currency.

21 Q. Where is that account located?

22 A. It's located in Europe and has not
23 been used for this transaction or any related
24 transaction.

25 Q. Well, it appears to have been used in

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2 relation to this transaction somehow or it
3 wouldn't be in this book, would it, sir?4 A. No, this was offered as an option for
5 another buyer who wanted to pay money into not a
6 U.S. dollar account or to a U.S. account but
7 some account outside of the U.S. and not in U.S.
8 dollars.9 So it's a prospective for a buyer,
10 which was never transpired.11 Q. On page 398 going further up in the
12 e-mail chain, you say: Please appreciate that
13 using that account would require immediate
14 payment of its 1% fee out of the amount
15 deposited, and a transfer will require at least
16 one day on deposit.

17 A. Yes.

18 Q. What did you mean by that?

19 A. In other words, as I indicated on the
20 Benthos transaction, I was not compensated, have
21 not been compensated, and was not ever
22 contemplated to be compensated by Benthos.23 In respect of a subsequent buyer --
24 and especially if that European account was
25 needed -- my arrangements are such that I do

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2 need to be compensated with this 1%, and that
3 the funds need to stay in at least one day
4 before they are transferred out.

5 Q. Just to be clear, sir -- are you
6 refusing to tell me the name of the European
7 bank at which you hold an account?

8 A. I am not refusing.

9 I am saying it has nothing to do with
10 this transaction and is not relevant.

11 Q. That may be well be true, sir, but I
12 am asking you the name of the bank.

13 Are you going to answer the question?

14 A. It is a confidential arrangement
15 between me and my bank.

16 Q. The identity of the bank is a
17 confidential arrangement between you and the
18 bank?

19 A. It is a confidential arrangement
20 because it has nothing to do with the
21 transaction, nothing to do with Benthos, nothing
22 to do with anything that we are discussing here.

23 Q. In your estimation.

24 A. In my conviction -- based on the facts
25 as I presented them.